

United States Bankruptcy Court
District of South Carolina (Charleston)

Case Number: 13-06195-jw

SETTLEMENT ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY

The relief set forth on the following pages, for a total of 3 Pages including this page, is hereby **ORDERED.**

**FILED BY THE COURT
12/03/2015**



US Bankruptcy Judge
District of South Carolina

Entered: 12/03/2015

United States Bankruptcy Court
District of South Carolina (Charleston)

IN RE:

Edward Lee Brockington fdba Palmetto Comedy,

Case No.: 13-06195-jw

Chapter 13

**SETTLEMENT ORDER ON
MOTION FOR RELIEF FROM
AUTOMATIC STAY**

(Value/Equity Exists
Above Movant's Lien)

Debtor

This matter comes before the Court on the motion for relief from the automatic stay filed by Fay Servicing, servicing agent for Christiana Trust, a division of Wilmington Savings Fund Society, FSB, not in its individual capacity but as Trustee of ARLP Trust 2 ("Movant"). The Chapter 13 Trustee did not object to the motion or has agreed to the settlement. The property which is the subject of the motion is described as follows:

5022 Thornton Drive, Summerville, SC 29485

Upon the agreement of the parties, it is hereby ORDERED:

According to the certifications of facts, the value/equity in the subject property above the movant's lien is \$35,857.56.

As of November 5, 2015, Debtor has accrued a post-petition arrearage in the amount of \$3,455.41. The post-petition arrearage consists of:

- ☒ Payments for the month(s) of August 1, 2015 through November 1, 2015 in the amount of \$908.37 per month, and less suspense balance in the amount of \$178.07.
- ☐ Late charges in the amount of \$0.00.
- ☒ Attorney's fees and costs in the amount of \$1,076.00.
- ☐ Other costs (specify below) in the amount of \$0.00.

Debtor shall continue to remit to Movant the regular post-petition monthly payments beginning December 1, 2015, and continuing thereafter in accordance with the terms of the loan agreement and the chapter 13 plan.

In addition to the regular post-petition monthly payments set forth above, Debtor shall cure the post-petition arrearage of \$3,455.41 as follows:

- ☐ Pay initial payment of \$_____ by _____, 20____.
- ☒ Pay \$287.95 per month beginning December 1, 2015 for 11 months.
- ☒ Pay final payment of \$287.96 by November 1, 2016.

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

Payments shall be paid directly to Movant at:

**Nationstar Mortgage LLC
PO Box 619094
Dallas, TX 75261-9741**

In the event of a default under the terms of this Order, Movant may file an affidavit of default and request for further hearing, and a hearing will be scheduled to determine whether relief from stay is warranted.

Movant agrees to waive any claim arising under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order. In the event relief from the automatic stay is granted due to Debtor's default under the terms of this Settlement Order, Movant agrees that any funds received in excess of all liens, costs, and expenses will be paid to the Trustee.

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay:

- ☐ is applicable to any order granting relief for default on this Settlement Order.
- ☒ is not applicable to any order granting relief for default on this Settlement Order.

NON-STANDARD LANGUAGE
(Hearing May Be Required for Approval)

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/ Vance L. Brabham
District Court I.D. 9645

/s/ Heather S. Bailey
District Court I.D. 11592

CERTIFICATION:

Prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor or the party obligated to pay.

/s/ Heather S. Bailey
Attorney for Debtor
District Court I.D. 11592